

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD BANGO, et al.,

Plaintiffs,

v.

PIERCE COUNTY, WASHINGTON,

Defendant.

CASE NO. C17-6002 RBL

ORDER

THIS MATTER is before the Court on Magistrate Judge Christel's Report and Recommendation [Dkt. #41], recommending that the Court grant Defendants' Motion to Dismiss [Dkt. # 27]. The Court has also reviewed Plaintiffs' objections [Dkt. # 42] to a portion of the R&R they claim is (incorrect) *dicta*.

1. The Report and Recommendation regarding dismissal is **ADOPTED**, and plaintiffs' complaint is **DISMISSED without prejudice**.
2. Plaintiffs' objection to the *dicta* portion of the R&R (regarding entitlement post-incarceration medication under *Wakefield v. Thompson*, 177 F. 3d 1160 (9th Cir. 1999)) is well-taken, though as they concede it is not part the holding. This Court does *not adopt* that portion of the R & R.

1 3. The Clerk shall send copies of this Order to Plaintiff, Defendants' counsel, and to United
2 States Magistrate Judge Christel.

3 IT IS SO ORDERED.

4 Dated this 7th day of May, 2018.

5 
6

7 Ronald B. Leighton
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24